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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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WEEK IN REVIEW

HOUSE

The House gave third reading to H.3240, the School Safety Act of 1997, which creates the misdemeanor "assault and battery on school personnel" to apply to any individual who commits unaggravated assault or battery against school personnel while on school property or at a school-sponsored event. The offense is punishable with up to twelve months imprisonment and/or a fine of up to one thousand dollars. If a student is convicted or adjudicated delinquent of the offense, it must be noted in his permanent record, and his principal and teachers must be notified. The bill also revises criteria for holding a juvenile in secure detention.

Also approved last week was H.3139 which revises disposition criteria for certain children in foster care and requires the Department of Social Services to expedite permanent placement of children where parental rights have been terminated. The bill requires adoption assessments and child-specific recruitment including the use of the media and photo listings to facilitate adoptions.

The House postponed action on two measures which generated considerable debate. The House amended and recommitted to the Judiciary Committee, H.3089 increases the maximum penalty for failure to wear seatbelts. The version of the bill which was approved by the Judiciary Committee allowed for primary enforcement of the seatbelt law by removing the restriction which prevents an officer from stopping a vehicle solely for failure to use seatbelts. The House debated and adjourned debate on H.3272 which revises the Consumer Protection Code as it pertains to a creditor's failure to obtain the borrower's preference of legal counsel and insurance agent before the closing of a mortgage loan. The bill prohibits borrowers from filing class action suits on such violations, sets a time limit and other restrictions on pursuing individual causes of action, and limits amounts which may be recovered in such suits. The most discussed feature of the bill was the way it is designed to apply retroactively, thereby invalidating several pending class action lawsuits.

The House gave third reading to several measures. H.3282 ratifies the amendment to the South Carolina Constitution approved by voters at November's general election so as to allow a voter who has moved his place of residence during the thirty days prior to an election to vote in his previous precinct of residence. H.3161 provides that a person must hold a beginner's permit for at least ninety days before he or she may be issued a driver's license or a restricted driver's license. H.3233 requires the Constitutional Ballot Commission or its designee to prepare explanations of all state and local referendum questions in addition to all proposed state constitutional amendments. Such explanations must detail any potential fiscal impact and be supplied to voters at polling places. H.3235 requires any retired justice or judge appointed by the Chief Justice to serve in the state's courts to have been found qualified by the Judicial Merit Selection Commission within four, rather than two, years. An amendment,

adopted by the full House, allows a retired judge to postpone an irrevocable decision to practice law and thereby become ineligible for service in the state's courts. The bill also reroutes the appointment process for masters-in-equity. H.3317 provides reimbursement to local governments for costs expended in providing law enforcement officers training required under state law. H.3239, the "South Carolina Mold Lien and Retention Act," establishes a procedure which a manufacturer of molds may use to dispose of molds which remain in his possession for at least three years beyond their last use. The bill also establishes a procedure by which a mold manufacturer may place a lien on a mold when a customer has not paid for the mold or related work.

SENATE

The Senate Finance Committee submitted a favorable report on S.207, which would reinstate video poker bans that were overturned in 12 counties by the SC Supreme Court. The bill provides that cash payouts would be a civil rather than a criminal offense in counties where the games are banned. According to the Department of Revenue, the bill would reduce state general fund coin-operated device revenue by approximately \$5.7 million in the fiscal year implemented due to refunds that the bill would allow for the estimated 3,500 machines currently located in the twelve "no" counties. The bill is on the Senate calendar for second reading, with Senator Leventis desiring to be present.

H.3176 is also up for second reading on the Senate calendar, having received a favorable report with amendment from the Senate Finance Committee. The House version of the bill removes the \$20 million debt limit for University of South Carolina net athletic revenue bonds and allows for their use for refunding any previous authorized bonds. The Senate Finance Committee amended the bill by setting a \$40 million debt limit for these bonds and by deleting the language in the House bill which states that bonds issued are payable from the admission fee, the special student fee, and net athletic revenues.

The Senate also gave second reading with notice of general amendments to S.392, a bill sponsored by the Senate Judiciary Committee. Under this bill, persons who are defeated in a primary election or an ensuing run-off would not be eligible to serve in that office as a result of write-in votes in a general election, and candidates would be required to sign a pledge affirming that they will abide by this provision. If a person who loses a primary election wins a general election, the candidate who receives the second highest number of votes would be declared the winner.

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture Subcommittee gave a favorable recommendation to H.3318, which relates to the foundation seed program and provides that the purpose of the program is the production, processing, and distribution of pure varieties of crop seeds and plants. The bill also requires the cooperation of the South Carolina Crop Improvement Association, Clemson University, and the State Department of Agriculture in carrying out the purposes of the foundation. The Agriculture Subcommittee also gave approval to H.3420, which provides for reliance on Pseudorabies Eradication Program Standards when importing swine.

The Environmental Affairs II Subcommittee amended and passed out H.3303. As amended, the bill prohibits big game hunting on all public roads and in Game Zones 1,2, and 4.

The Wildlife Subcommittee amended and passed out H.3065, a bill that increases the penalty for molesting or killing a bald eagle. The bill states that a person molesting or killing a bald eagle is guilty of a misdemeanor and, upon conviction, must be fined not less than \$100.00 nor more than \$500.00 and/or be imprisoned for not less than 30 days nor more than one year. The original bill stated that a person who kills a bald eagle would be prohibited from hunting in South Carolina for 15 years. The subcommittee amended this provision by reducing the amount of time to 5 years. Another bill passed by the subcommittee is H.3135, which allows photographs to be considered competent and admissible evidence of wildlife or fish in judicial proceedings related to a violation of the state fish, game, wildlife, or natural resources laws. The subcommittee also gave a favorable recommendation to H.3351, a bill that includes Game Zone 3 as an area where it is unlawful to use artificial lights to observe or harass wildlife.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee recommitted H.3007 and H.3194 to subcommittee. Both of these bills, as originally amended in subcommittee, raise the minimum age for obtaining a driver's license and for obtaining a restricted driver's license; provide conditions and restrictions for anyone driving with a beginner's permit; provide that the holder of a beginner's permit who has successfully completed a driver's training course may drive without an adult present; allow the Department of Public Safety to set fees for certain permits; require a person who has never been licensed to first receive a beginner's permit and hold the permit for 90 days before receiving full licensure; allow (under certain conditions) a modification or waiving of certain restrictions which are in the bill if these restrictions interfere with employment or travel between home and employment and school, or between home or work and vocational training; provide that if six or more points are assessed against the holder of a beginner's permit or a restricted license, then the license is suspended for six months; and

provide that a driver under age 21 is prohibited from operating a motor vehicle with any measurable level of alcohol in his system ("measurable" being defined as .02 level in the blood), with punishment for violation of this provision including suspension of driving privileges for one year.

The full committee also heard a report from Fred R. Sheheen, Commissioner of the SC Commission on Higher Education. His report included a discussion of Performance Indicators, pursuant to Act 359, passed by the General Assembly last year. This legislation called for a Performance Funding Plan to be submitted to the legislature by January 1997. That plan includes 37 performance indicators upon which funding is to be based, which will be phased in over a three year period beginning with Fiscal Year 1997-98.

The Education and Public Works Primary Education subcommittee recommended a favorable report with amendment on H.3100. This bill relates to makeup of school days missed because of snow or other extreme weather. The subcommittee recommended an amendment to provide that local school boards may excuse up to three school days missed because of snow or other extreme weather conditions. The subcommittee adjourned debate on H.3236, which relates to the teaching of phonics.

The Highway General subcommittee recommended a favorable report with amendment on H.3121, which provides for the issuance of "South Carolina: First in Golf" license plates. The amendment corrects a typographical error in the original bill so that the section of the bill concerning the fiscal impact of the sport of golf on the state's economy reads "\$1.5 billion." The subcommittee also recommended a favorable report with amendment on H.3044, which requires that a placard containing certain information be displayed on a motor vehicle before registration and license plates are received. The subcommittee recommended an amendment which included removing the requirement for the motor vehicle owner's driver's license number to be on the placard; increasing the fine for display of false information from \$200 to \$500; and providing that the money from the fines be remitted to the General Fund rather than to the SC Reinsurance Facility.

JUDICIARY

The Judiciary Committee gave a favorable report to H.3146 which prohibits partial-birth abortions except where the procedure is the only means of saving the life of the mother. Violators are guilty of a felony and must be fined not less than five thousand dollars and imprisoned not more than five years. A civil cause of action is also established. H.3146 was designated a committee bill, H.3502. The committee also gave favorable reports to H.3233 and H.3317, both of which were passed by the full House last week. The committee tabled five bills: H.3070, H.3017, H.3189, H.3027, and H.3166. H.3070 provides that an officer automatically vacates his seat when he has executed a candidacy pledge with a political party and then changes party affiliation during the term of office for which he was elected. H.3017 establishes a procedure for early voting by allowing an elector to cast a vote, in person, at a county board of registration or extension office during the week preceding the election or

primary. H.3189 provides a mechanism for voter recall. H.3027 prohibits local governments from imposing impact fees. H.3166 provides that a tenant who abandons a premise and causes damage in excess of his security deposit is guilty of a misdemeanor.

The Special Laws Subcommittee gave a favorable S.78 which prohibits the use of an assumed or fictitious name by a domestic corporation, foreign corporation, or partnership if the name intentionally misrepresents the geographic origin or location of the business. The subcommittee also reported favorably on H.3108, with amendment, which provides for education requirements for obtaining and renewing a bail bondsman's license.

The Criminal Laws Subcommittee reported favorably on two bills. H.3182 increases various penalties for ill treatment of animals, including torture of animals, which is punishable as a felony, rather than a misdemeanor, with possible imprisonment of up to five years, rather than 180 days, and a fine of up to ten, rather than five, thousand dollars. S.61 dissolves the committee appointed to study mandatory minimum and alternative sentences created by the crime bill of 1995.

LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee gave a favorable report, with amendments, to H.3175 which requires counties and municipalities to adopt the latest version of national, regional, or model building codes and establishes a procedure by which a political subdivision may apply for a temporary exemption. The bill creates functions, duties, and registration for building code enforcement officers and requires that the first two hundred fifty thousand dollars of the premium tax levied on fire insurers must be used for implementing training, certification, and continuing education for these officers. The bill also revises the composition of building codes councils, the manner in which counties and municipalities adopt and enforce codes, penalties for violations, and the responsibilities of fire marshals. The committee gave a report of favorable with amendment to H.3342 which authorizes a professional corporation to issue shares to employees of the corporation who are not licensed to practice the professional service described in the corporation's articles of incorporation. Such employees shall not own more than one-third of the total issued and outstanding shares of the professional corporation. An amendment clarifies that the bill does not apply to professional corporations composed of attorneys. The committee reported favorably on H.3287 which exempts agents licensed to sell pre-paid legal insurance from pre-licensing and continuing education requirements. Pre-paid legal insurance allows purchasers to pay a premium to cover the cost of certain legal services provided at a future date. The committee also reported favorably on H.3299 which revises the language "contractual obligation for legal services" to read "contractual obligation for reimbursement of legal services" in the statutory requirement that such insurance contracts allow the insured his choice of attorney. The committee tabled H.3267 which prohibits an insurance company from unilaterally canceling a homeowner's insurance policy for up to one year after a mortgage loan has been approved.

The Insurance Subcommittee reported favorably on two bills which bring South Carolina into accordance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), popularly known as the "Kennedy-Kassebaum Bill." S.278 accommodates provisions in the HIPAA which guarantee health insurance portability for individuals moving from group to individual coverage. Under the HIPAA, insurers in the individual market must offer coverage and accept enrollment of any eligible individual whose most recent coverage has been in the group market. S.278 takes advantage of provisions in the HIPAA which allows states to avoid direct imposition of federal mandates by creating acceptable alternative mechanisms. S.278 alters South Carolina's existing Health Insurance Pool to make it such an acceptable alternative mechanism. To that end, the bill shortens residency requirements, removes the current exclusion of HIV positive individuals, provides health coverage options, increases benefit level to one million dollars, lowers the premium cap from 300% to 200%, and eliminates the provision which allows extra premium charges in cases where a pre-existing medical condition is waived. S.288 conforms state law to certain federal mandates in the HIPAA which must be put into effect no later than July 1, 1997, lest the Department of Insurance surrender certain regulatory authority of health insurance to federal agencies. The bill accomplishes the following: (1) limits the exclusion of pre-existing medical conditions from large and small group health insurance plans; (2) restricts an insurer's ability to establish eligibility rules for large and small group health insurance plans which are based upon such health status factors as disabilities, genetic information, history of domestic abuse, etc.; (3) guarantees availability of coverage in the small group market; (4) guarantees renewability of coverage in the large and small group markets and in multi-employer self-insured health plans; (5) enacts provisions of the federal Newborns and Mothers Protection Act of 1996 which require health insurers who cover hospitalization and attendant professional services for mothers and newborns to provide at least forty-eight hours of postpartum care following the day of a natural delivery and at least ninety-six hours of postpartum care following the day of a Cesarean Section; (6) provides parity in the application of certain limits to mental health benefits.

The Real Estate Subcommittee recommended with amendments H.3177 which requires a general contractor's license for any marine construction undertaking where the cost of construction is at least ten thousand dollars. The subcommittee gave an unfavorable report to H.3268 which increases the minimum cost of an undertaking for which a general contractor's license is required.

The Public Utilities Subcommittee heard testimony from academic professionals on H.3414 which requires the Public Service Commission to formulate and adopt a plan which will restructure the state's electric utility system so as to establish, by January 1, 1999, a largely deregulated, competitive marketplace in which all retail customers are able to choose their provider of electrical generation services

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Health and Environmental Affairs Subcommittee gave a favorable recommendation to **H.3103**, a bill that would authorize any agency or any person who does an early periodic screening, diagnosis and treatment screening (EPSDT) or other physical examination of a child to refer the child to an appropriate agency for an evaluation if the child may be helped by assistive technology. "Assistive technology" means a service or device used to maintain or improve the functional capacities of an individual with a disability.

WAYS AND MEANS

The full Ways and Means Committee met throughout the week and completed work on the 1997-98 \$4.6 billion Appropriation Bill. The bill will be printed and placed on the desks of House members the week of February 24, and floor debate is scheduled to begin on Monday, March 3.

Highlights of the Ways and Means bill include a new fee on Chem-Nuclear Systems Inc. This fee is intended to cover a \$4 million shortfall in the need-based college scholarship fund which was created in 1995 with landfill revenues. The bill also includes a 2.5% pay increase for state workers and teachers. This increase brings South Carolina teachers' pay above the Southeastern average. Education expenditures constitute one-third of the bill, with public schools receiving \$108.5 million and colleges receiving an additional \$66.4 million in new money. Other provisions in the bill include taking state aid to libraries away from counties which charge fees to noncounty residents to check out books and raising the cost of filing fees for Family or Circuit Court (from \$55 to \$70) to provide \$1.7 million for legal services for indigent people.

The Ways and Means Committee will brief all House standing committees on the bill on Tuesday and Wednesday, February 25 and 26, and will present each member with a briefing packet at that time.

BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3462 HANDLING AND SELLING LEAF TOBACCO Rep. Davenport

This bill provides an optional method for determining charges and expenses for handling and selling leaf tobacco on the floor of a tobacco warehouse. The optional method utilizes a commission not to exceed 3% on the gross sales of leaf tobacco in the warehouses with no auction, weighing, or handling fees.

H.3504 COASTAL FISHERIES LAWS Rep. Limehouse

This bill amends several sections of the code relating to the coastal fisheries laws, including the provisions related to shrimp and crab boat licenses and wholesale and retail seafood dealers' licenses. Among the provisions in the bill is a requirement for a person using crab pots to acquire a license if the pots are used for commercial purposes. However, crab pots which are for personal use are not required to have the person's name attached to the float. The bill also provides for the circumstances and times when it is lawful to set, fish, and locate crab pots and possess crabs.

EDUCATION AND PUBLIC WORKS

H.3460 OVERTAKING A VEHICLE Rep. Simrill

This bill provides that a vehicle attempting to overtake or pass another vehicle on the left side of center of the road shall yield the right-of-way to a vehicle attempting to move left upon a roadway.

H.3461 VOLUNTEERS RIDING SCHOOL BUSES Rep. McMahan

This bill provides that parents and other school volunteers may, under certain conditions, ride school buses on a space available basis in conjunction with their volunteer school activities.

S.347 MAKEUP FOR MISSED SCHOOL DAYS Sen. Alexander

This joint resolution provides that certain school days missed in the district of Oconee County due to incomplete school renovations and due to a train derailment are exempted from the make-up requirement of the defined minimum plan that full days missed due to extreme weather or other circumstances must be made up. (This bill was recalled from committee on February 19 and is now on the House calendar for second reading.)

S.361 PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES Sen. Mescher

This joint resolution provides that (applicable for the 1996-97 school year) a student who has an overall passing average is exempt from certain current requirements for participation in an interscholastic activity and may participate in interscholastic activities under specified conditions.

H.3489 PLACARDS/LICENSE PLATES/PARKING FOR DISABLED Rep. Fleming

This bill repeals Article 18, Chapter 3, Title 56, relating to free parking for handicapped persons. The bill provides definitions which include specific criteria for a designation of "temporary mobility disabled" and "permanently mobility disabled" persons, and a definition and requirements for a "certificate of disability" from a physician. The bill provides for the issuance of special license plates under certain conditions, and provides for parking exemption identification placards, which expire after four years (but may be renewed). These placards may be issued to persons who are permanently mobility disabled (or a member of such a person's family who owns or leases the vehicle upon which the placard will be displayed), certain veterans, and companies or corporations which transport disabled persons.

The bill also provides for a temporary parking exemption identification placard, which may be issued to a temporary mobility disabled person (or a member of that person's family who owns or leases the vehicle upon which the placard will be displayed). The temporary placard expires after one year, but may be reissued for one additional year if the disability continues. Decals would be used to indicate the expiration date for both the temporary and permanent parking exemption identification placards. The bill also provides for fees for these placards, and provides that the fees will be used for the administration of the program and for improvement of access to state facilities and for the improvement of opportunities in education and employment for persons with disabilities. The bill requires that these special license plates and placards must include a warning cautioning applicants that they must be present in the vehicle when it is parked in a space reserved for persons with disabilities, and law enforcement officers are encouraged to request verification of those persons who use the spaces. Also, if a person with a temporary parking exemption is later able to walk without severe limitation, that person is no longer eligible to use the placard. The bill also provides for the method of display for the placard, the minimum number of designed and marked parking spaces for these certain disabled persons, and requirements for how the spaces must be located and designed.

The bill provides that violations of the provisions of the bill are misdemeanors, and fines must be imposed of not less than \$100 and not more than \$250 or imprisonment for not more than thirty days for each offense.

The bill also provides guidelines and parameters for a county or municipality to establish a program for volunteer parking specialists to enforce state laws and local ordinances that regulate parking for persons with disabilities.

H.3508 STROM THURMOND MONUMENT Rep. Wilkins

This bill creates the Strom Thurmond Monument Commission which is comprised of three Senators, three House members, and three gubernatorial appointees. The Commission is charged with creating and designing an appropriate monument to be placed on the grounds of the Capitol Complex in honor of Senator Thurmond. The monument must be funded entirely by private funds, and the Commission is to report to the General Assembly by January 1998 the proposed design, location, and dedication date of the monument.

JUDICIARY

H.3463 INMATE LABOR FOR NONPROFIT ORGANIZATIONS Rep. McMahan

This bill authorizes the Department of Corrections to establish a program in which nonprofit organizations would make use of inmate labor. Such inmate labor programs may not result in the displacement of employed workers or impair existing contracts for services. An inmate's participation is voluntary and adequate performance deducts twenty days from his sentence for every month of participation in the program.

H.3464 PROCEEDS FROM SALE OF CONFISCATED PROPERTY Rep. McMahan

This bill revises the spending of proceeds from the sale of property confiscated in controlled substances cases, such that twenty-five percent must be given to private citizens who provide information which leads to the forfeiture of property and twenty-five percent must be used for community-based substance abuse facilities. The bill reduces from seventy-five to twenty-five the percentage of proceeds devoted to law enforcement agencies, retains the twenty percent given to the prosecuting agency, and provides that the remainder must be remitted to the state general fund.

H.3469 ALTERNATIVE MEANS OF VOTING BY ABSENTEE BALLOT Rep. Klauber

This bill authorizes a county board of registration to make use of means of voting by absentee ballot other than paper ballot. The State Election Commission shall promulgate regulations to ensure the security of any such voting method.

H.3483 NOTICE OF APPLICATION FOR ALCOHOL PERMITS/LICENSES Rep. Wilder

This bill requires an individual who intends to apply for a beer and wine permit or liquor license to provide notice of his intent by mail to all residences and businesses within a three block radius of the proposed location. The bill revises newspaper notification requirements such that notice of intended application must be placed in a newspaper nearest to the proposed location. Newspaper notifications must be placed in the legal notice section of the paper. Requirements for signs which must be posted to announce an intended application are revised so as to increase the size of the lettering and require a sign to be posted at the intersection closest to the proposed location.

H.3485 DESTROYING A MAILBOX Rep. Fleming

This bill provides that destroying a mailbox is a felony punishable by not more than three years imprisonment.

H.3486 MAGISTRATE'S CIVIL JURISDICTION Rep. Fleming

This bill limits a magistrate's civil jurisdiction to counterclaims involving a sum not to exceed five thousand dollars. The limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land.

H.3493 CONFISCATION OF VEHICLES Rep. Fleming

This bill requires vehicles to be confiscated after a second (rather than a fourth) conviction of driving with a canceled, suspended, or revoked license within a five year period, and after a second (rather than a fourth) conviction for driving under the influence within a ten year period.

H.3499 POLICE RESPONSE TO DISTRESS CALLS Rep. Lanford

This bill provides that when a law enforcement officer responds to a distress call in a neighboring jurisdiction, his authority, rights, privileges, and immunities apply as if he were within in his own jurisdiction.

H.3500 TERMS FOR COUNTY AUDITORS AND TREASURERS Rep. Young-Brickell

This bill provides that terms of county auditors and treasurers begin, as do other terms of county officers, on the first Tuesday in January after their election.

H.3503 POLITICAL ACTION COMMITTEES Rep. Tripp

This bill subjects to Ethics Act reporting requirements and scrutiny any group which receives contributions or makes expenditures to influence the outcome of legislative matters when the likeness, image, voice, or endorsement of a public official is utilized.

H.3506 COASTAL COUNCIL Rep. Wilkins

This bill authorizes the Department of Health and Environmental Control to relocate the coastal division within the agency organizational structure, so long as the coastal division continues as an organizational unit and is located at or above the level of a bureau.

H.3507 FILING INTENTION OF CANDIDACY FOR GENERAL ASSEMBLY Rep. Clyburn

This bill provides that statements of intention to run as a candidate for the General Assembly must be filed with the county election commission rather than the county executive office of one's political party.

S.56 REGISTER OF DEEDS Sen. Wilson

This bill provides that "Register of Mesne Conveyances" means "Register of Deeds" whenever it appears in the code. The Code Commissioner is directed to make the substitution in a timely, cost-effective manner.

S.224 APPEALS HEARD BY THE STATE BOARD OF CANVASSERS Sen. Holland

This bill requires the State Board of Canvassers to meet for the purpose of hearing appeals fourteen days following the filing of notice.

S.226 EXPUNGEMENT OF CRIMINAL RECORDS Sen. Bryan

This bill allows an individual to have his criminal record expunged even if the conviction occurred prior to June 1, 1992.

LABOR, COMMERCE AND INDUSTRY

H.3466 STATE BOARD OF BARBER EXAMINERS Rep. G. Brown

This bill conforms the State Board of Barber Examiners to the uniform statutory organizational framework for professional and occupational boards.

H.3470 AMUSEMENT RIDES SAFETY CODE Rep. Kirsh

This bill makes technical changes so as to conform the Amusement Rides Safety Code to the Government Restructuring Act of 1993.

H.3492 BARBERS LICENSED TO PRACTICE IN OTHER JURISDICTIONS Rep. Fleming

This bill provides that a barber licensed in another state or country with licensing requirements

which meet or exceed this state's must have practices at least, rather than two, years in that jurisdiction in order to obtain a certificate of registration to practice in this state.

H.3494 JOBS-ECONOMIC DEVELOPMENT AUTHORITY ABOLISHED Rep. Kirsh

This bill abolishes the South Carolina Jobs-Economic Development Authority and transfers its functions, powers, duties, and assets to the Department of Commerce.

H.3501 BED AND BREAKFAST ESTABLISHMENTS Rep. Young

This bill establishes regulations for the operation of bed and breakfast establishments.

S.41 CHILD ENDANGERMENT AND FAILURE TO STOP FOR A BLUE LIGHT Sen. Short

This bill adds to the list of traffic violations which constitute child endangerment the failure to stop a motor vehicle when signaled by a law enforcement officer.

S.254 AUTOMOBILE INSURANCE Banking and Insurance Committee

This bill makes comprehensive changes in the state's automobile insurance system. The bill eliminates the requirement that insurers write coverage for all drivers and creates an uninsured motorist fund into which all individuals registering an uninsured vehicle must deposit a fee of five hundred dollars. An "assigned risk" system is established. Insurers are afforded greater pricing flexibility, such that overall average rate increases or decreases for all coverages combined of seven percent above or below the insurer's current rates may take effect without the required approval from the Department of Insurance.

WAYS AND MEANS

H.3465 PRERETIREMENT DEATH BENEFITS Rep. Hodges

This bill provides a pension of 50% of a state employee's compensation at the time of his death to his surviving spouse, children, or parents, when the employee dies a violent death while performing state duties. The bill provides that these benefits are exempt from state and municipal tax liabilities. The bill also provides that state-supported colleges, universities, vocational or technical schools may not charge tuition for a period of four school years to children of state teachers and employees who become totally disabled or die a violent death while performing state duties. This waiver is currently provided to children of firemen, rescue squad members, Civil Air Patrol members, law enforcement officers, or corrections officers.

H.3468 PROPERTY TAX EXEMPTIONS Rep. Altman

This bill provides a property tax exemption for the dwelling home and a lot (not to exceed one acre of land) which is owned in fee, or for life, or jointly with a spouse by a South Carolina resident who is a recipient of the Medal of Honor or who was a prisoner of war in World War I, World War II, the Korean Conflict, or the Vietnam Conflict. The bill provides that the property tax exemption continues for a surviving spouse of such Medal of Honor recipient or prisoner of war under the same conditions which currently apply to exemptions for surviving spouses of certain disabled veterans and certain servicemen and law enforcement officers killed in action in the line of duty.

H.3484 PROPERTY TAX RELIEF SALES TAX ACT Rep. Fleming

This bill enacts the Property Tax Relief Sales Tax Act, which imposes an additional 4% sales tax with the revenues to be credited to a separate fund called the Property Tax Relief Fund. The proceeds of this fund would be first used to pay current interest and principal on outstanding general obligation bonds and lease payments on certificates of participation in lease-purchase agreements. After these deductions, the remaining revenues would be distributed to political subdivisions of the State for reimbursement of property tax millage reductions imposed by the bill. For property tax year 1997, the millage imposed by a political subdivision is reduced by 50% over the millage rate imposed in the prior tax year; after 1997, and until all outstanding general obligation bonds issued by a political subdivision are repaid, no political subdivision may impose a property tax except to avoid default on general obligation bonds. When all outstanding general obligation bonds of a political subdivision are repaid, the entity may not levy property tax for any purpose.

The bill also revises the maximum sales tax imposed on certain transactions. These revisions include the imposition of a 3% tax rate on the sale or lease of certain items which are currently taxed a maximum of three hundred dollars.

The bill also revises current exemptions from these taxes by deleting and revising some of the currently-allowed exemptions, and by adding certain exemptions, including an exemption for food which may be purchased lawfully with US Department of Agriculture food stamps. The bill repeals current sections relating to local sales and use tax and to the State Property Tax Relief Fund.

H.3487 EXEMPTION FROM GAMBLING OFFENSES Rep. Fleming

This bill repeals *Section 16-19-60, Code of Laws of South Carolina*, which provides that coin operated non-payout machines with free play feature are not illegal.

H.3488 PROPERTY TAX CLASSIFICATION AND ASSESSMENT Rep. Fleming

This bill deletes the current rollback tax and provides that when real property which is in agricultural use (and is being valued, assessed, and taxed accordingly) is applied to a use other than agricultural, it is instead subject to a change of use penalty of \$25 which must be added to the tax due.

H.3490 GRANT FUNDS FOR PARKS AND RECREATION FACILITIES Rep. Fleming

This bill provides that unexpended grant funds for parks and recreation facilities may be carried forward for ten years, rather than the currently-allowed three years.

H.3491 FOOD STAMPS FOR FULL-TIME STUDENTS Rep. Fleming

This bill provides that a person who is enrolled in an institution of higher education full time is eligible to receive food stamps if the person meets the financial eligibility requirements to receive foods, is receiving benefits from the Aid to Families with Dependent Children program, and maintains a "C" average or better.

H.3498 TRANSFER OF ANNUAL/SICK LEAVE Rep. Knotts

This bill provides that when spouses both earn annual and sick leave as SC state employees, they may transfer such leave to their spouse subject to the terms and conditions of the state employee leave-transfer program.

H.3505 TAX CREDIT FOR "SCHOOL TO WORK" PROGRAM Rep. Stuart

This bill allows a credit against the corporate income tax for a portion of the direct payroll expenditure of a manufacturer for employing a public secondary school student in connection with the "school to work" curriculum.

H.3509 DEPRECIATION PROPERTY TAX REIMBURSEMENT Rep. Hawkins

This bill allows reimbursement from the Depreciation Property Tax Reimbursement Fund to local taxing entities for the additional depreciation allowed for equipment used in the manufacture of tires by manufacturers who employ more than 5,000 employees and who have over one billion dollars in capital investment in this state. Current law specifically provides that no reimbursement is provided to local taxing entities for the allowance of this depreciation.

H.3511 ESCROW FEES ON TRANSFERS OF REAL ESTATE Rep. Miller

This joint resolution allows local governing bodies which enacted, collected, and held in escrow fees on transfers of real estate pending resolution of their dispute over the requirement that the collected funds be remitted to the State Treasurer to use those funds collected for their originally intended specific local purposes, or in the alternative, to refund the fees to those who paid them.